



Federal & State of Texas

BURIAL BENEFITS

for Veterans, Dependents & Survivors



Compiled by the

TEXAS VETERANS COMMISSION

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FOREWORD

Federal & State of Texas BURIAL BENEFITS for Veterans, Dependents & Survivors

The Texas Veterans Commission (TVC) is aware that one of the most difficult responsibilities a survivor faces after the death of a veteran is completing the numerous Department of Veterans Affairs (VA) forms for survivor and/or burial benefits. The TVC can be a source of assistance during this time.

To help ease this burden and to ensure that you have the details of where and how to get assistance, this brochure outlines some of the basic information you will need at this time.

Provided inside the back cover of this booklet is list of the TVC Claims Representation & Counseling Headquarters and District Offices along with a link to our website for detailed contact information for TVC claims offices and the Veterans County Service Offices. Please contact them for assistance in filing a claim for survivor and/or burial benefits or any other veterans' benefits. You may call the Veterans HOTLINE at **1-800-252-VETS (8387)** for the location and phone number or visit our website at www.tvc.texas.gov.

"A Sacred Trust: The Story of the National Cemetery Administration"

The National Cemetery honors veterans with a final resting place and lasting memorials that commemorate their service to our nation.

This is the inspiring story of the National Cemetery Administration and its service to our nation's veterans. Through personal interviews with dedicated NCA representatives, viewers learn of the many benefits available to them and their families at our nation's veterans' cemeteries. Through interviews with family members, viewers experience personal stories of the honorable and dignified process of their veteran's burial – from application to interment and beyond. Stirring photography accompanies informative narration as viewers gain familiarity with the National Cemetery Administration and its efforts to provide burial benefits to those who gave so much for their country. To the National Cemetery Administration, this is more than a mission. It is - "A Sacred Trust." Produced by the Employee Education System for the National Cemetery Administration, you can view this online at www.cem.va.gov/sacred.asp.



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Federal & State of Texas BURIAL BENEFITS for Veterans, Dependents & Survivors

Eligibility for Federal Burial Benefits

Veterans discharged from active duty under conditions other than dishonorable and service members who die while on active duty, as well as spouses and dependent children of veterans and active duty service members may, be eligible for U.S. Department of Veterans Affairs (VA) burial and memorial benefits. The veteran does not have to pre-decease a spouse or dependent child for them to be eligible. See VA Headstone and Markers on page 2 and Burial in VA National Cemeteries on page 10 for information pertaining to spouses, dependent children and active duty service persons.

With certain exceptions, active duty service beginning after September 7, 1980, as an enlisted person, and after October 16, 1981, as an officer, must be for a minimum of 24 consecutive months or the full period of active duty (as in the case of reservists or National Guard members called to active duty for a limited duration). Eligibility is not established by active duty for training in the Reserves or National Guard. Generally, the minimum 24-month service requirements apply to entitlement to headstones and markers, burial in a National Cemetery and a Presidential Memorial Certificate.

Burial and memorial benefits are available for Filipino veterans of World War II who have been receiving service-connected disability compensation, or are eligible for non service-connected disability pension (PL 106-419, Section 332). American Merchant Marines in oceangoing service during the period of armed conflict, December 7, 1941 to December 31, 1946, who meet general eligibility criteria are entitled to burial and memorial benefits.

Under Section 2411 of Title 38 of the United States Code, certain otherwise eligible individuals found to have committed federal or state



capital crimes are barred from burial or memorialization in a VA National Cemetery, and from receipt of government furnished headstones, markers, burial flags and Presidential Memorial Certificates.

Reimbursement of Burial Expenses

VA will pay a burial allowance up to \$2,000 if the veteran's death is service-connected. In some instances, VA also will pay the cost of transporting the remains of a service-disabled veteran to the national cemetery nearest the home of the deceased that has available grave sites. In such cases, the person who bore the veteran's burial expenses may claim reimbursement from VA. There is no time limit for filing reimbursement claims in service-connected death cases.

VA will pay a \$300 burial and funeral expense allowance for veterans who, at time of death, were entitled to receive pension or compensation or would have been entitled to compensation but for receipt of military retirement pay. Eligibility also may be established when death occurs in a VA facility, a nursing home under VA contract or a state veterans nursing home. Additional costs of transportation of the remains may be paid. In non service-connected death cases, claims must be filed within two years after permanent burial or cremation.

VA will pay up to \$749 plot allowance when a veteran is not buried in a cemetery that is under U.S. government jurisdiction under the following circumstances:

- The veteran was discharged from active duty because of disability incurred or aggravated in the line of duty; or
- The veteran was in receipt of compensation or pension or would have been except for receiving military retired pay;
- The veteran died in a VA facility.

The \$749 plot allowance may be paid to the state if a veteran is buried without charge for the cost of a plot or interment in a state-owned



cemetery reserved solely for veteran burials. Burial expenses paid by the deceased's employer or a state agency will not be reimbursed.

Military

Funeral Honors

Upon request, the Department of Defense (DoD) will provide military funeral honors consisting of folding and presentation of the United States flag and the sounding of "Taps." A funeral honors detail consists of two or more uniformed members of the armed forces, with a least one member from the deceased's branch of service.

Family members should inform their funeral directors if they want military honors. DoD maintains a toll-free number, 1-877-MILHONR (1-877-645-4667) for use by funeral directors only to request honors. VA can help arrange honors for burials at VA national cemeteries. Veterans' service organizations or volunteer groups may help provide honors. For more information, visit www.dmdc.osd.mil/mfh/.

VA Headstones & Markers

Eligibility: The Department of Veterans Affairs (VA) furnishes upon request, at no charge to the applicant, a Government headstone or marker for the unmarked grave of any deceased eligible veteran in any cemetery around the world, regardless of their date of death. VA may also furnish a headstone or marker for graves marked with a private headstone or marker, for veterans who died on or after November 1, 1990.

Any deceased veteran discharged under conditions other than dishonorable and any member of the Armed Forces of the United States who dies on active duty may be eligible. Service after September 7, 1980 must be for a minimum of 24 months' continuous active duty or be completed under special circumstances (e.g., death on active duty). Persons who have only limited active duty service for training while in the National Guard or Reserves are not eligible unless there are special circumstances (e.g., death while on active duty or as a result of training). Reservists and National Guard members who, at the time of death, were entitled to retired pay, or would have been entitled, but for being



under the age of 60 are eligible. Reservists called to active duty other than training and National Guard members who Federalized and who serve for the period are called are eligible. Service prior to World War I require detailed documentation (e.g., muster rolls, extracts from State files, military or State organization where served, pension or land warrant, etc.).

Spouses and dependents are not eligible for a Government-furnished headstone or marker unless they are buried in a national, state veterans', or military post/base cemetery. For further details, please visit: www.cem.va.gov/cem/hmm/eligibility.asp.

Medallion: The Department of Veterans Affairs provides a medallion, by request, to be affixed to an existing, privately purchased headstone or marker to signify the deceased's status as a veteran.

This device is furnished in lieu of a traditional Government headstone or grave marker for those veterans who served on or after April 6, 1917 and whose grave in a private cemetery is marked with a privately purchased headstone or marker.

Sizes: The medallion is available in three sizes: Large (6-3/8" W x 4-3/4"H x 1/2" D), Medium (3-3/4" W x 2-7/8"H x 1/4"D) and Small (2" W x 1-1/2"H x 1/3" D). Each medallion is inscribed with the word "VETERAN" across the top and the branch of service at the bottom.

Important: This benefit is only applicable if the grave is marked with a privately purchased headstone or marker. In these instances, eligible veterans are entitled to either a traditional Government-furnished headstone or marker, or the new medallion, but not both. Spouses and dependents are not eligible for a medallion.



Large



Medium



Small



Who Can Apply for a Medallion?

Federal regulation defines “applicant” as a member of the decedent’s family, which includes the decedent’s spouse or individual who was in a legal union as defined in 38 CFR 3.1702(b)(1)(ii) with the decedent; a child, parent, or sibling of the decedent, whether biological, adopted, or step relation; and any lineal or collateral descendant of the decedent.

For family members of eligible veterans interested in submitting a claim for the medallion, instructions on how to apply for a medallion are available. Please use: VA Form 40-1330M, Claim for Government Medallion for Placement in a Private Cemetery.

How to Submit a Claim: FAX claims and supporting documents to:
1-800-455-7143.

Important: If faxing more than one claim - fax each claim package (claim plus supporting documents) individually (disconnect the call and redial for each submission).

Mail claims to:

Memorial Programs Service (41B)
Department of Veterans Affairs
5109 Russell Road
Quantico, VA 22134-3903

Once a claim for a medallion is received and approved, VA will mail the medallion along with a kit that will allow the family or the staff of a private cemetery to affix the device to a headstone, grave marker, mausoleum or columbarium niche cover. For the form, visit

www.va.gov/vaforms/va/pdf/VA40-1330M.pdf.

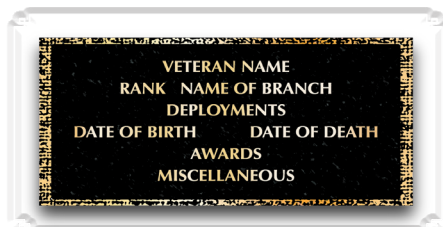


Upright Types: These headstones are 42 inches long, 13 inches wide and 4 inches thick. Weight is approximately 230 pounds. Variations may occur in stone color, and the marble may contain light to moderate veining.

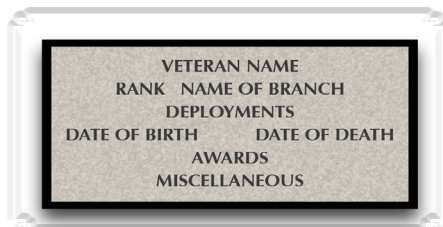


Upright Marble or Granite

Flat Types: The flat bronze grave marker is 24 inches long, 12 inches wide, with 3/4-inch rise. Weight is approximately 18 pounds. Anchor bolts, nuts and washers for fastening to a base are furnished with the marker. The government does not furnish a base. The flat granite and flat marble grave marker is 24 inches long, 12 inches wide, and 4 inches thick. Weight is approximately 130 pounds. Variations may occur in stone color and the marble may contain light to moderate veining.



Flat-Bronze



Flat Marble or Granite



Bronze Niche: This niche marker is 8 1/2 inches long, 5 1/2 inches wide, with 7/16-inch rise. Weight is approximately 3 pounds; mounting bolts and washers are furnished with the marker.



Bronze Niche

Memorial Headstones & Markers: VA provides memorial headstones and markers, bearing the inscription “In Memory Of” as the first line, to memorialize those whose remains were not recovered or identified, were buried at sea, donated to science or cremated and scattered. Eligibility is the same as for regular headstones and markers. There is no fee when the “In Memory Of” marker is placed in a national cemetery. VA will not reimburse any fees associated with placement in another cemetery.

Memorial headstones and markers may also be furnished in national, military post/base or state veterans’ cemeteries to eligible spouses whose remains are unavailable for interment, whether or not they predecease the eligible veteran. Memorial headstones and markers for spouses and other dependents are not available for placement in private cemeteries.

The style chosen must be permitted by the officials in charge of the private cemetery where it will be placed. For further details, please visit: www.cem.va.gov/cem/hmm/index.asp.

Pre-World War I Era Headstones & Markers: Civil War Union Soldiers and Spanish-American War. There are specific styles of upright marble headstones to mark the graves of Civil War Union soldiers and Spanish-American War dead. These historical styles were reintroduced recently and are inscribed in raised lettering inside a recessed shield. These recessed-shield headstones are available in three marble (X) sizes or one granite (Y) size. “A” is 12” wide, 3” thick, and 42” high,” B” is 13” wide, 3” thick and 42” high, and “C” is 10” wide, 3” thick and 39” high. To



request a historical upright marble headstone, check the Upright Marble in block 11 and write “XA”, “XB”, or “XC” above it or to request the granite recessed-shield headstone, check the Upright Granite in block 11 and write “YA” above it.

Inscriptions Civil War Union Soldiers and Spanish-American War

The inscription on the recessed-shield headstone is limited. For Civil War Union and Spanish American War, a shield is inscribed which encompasses the arched name and abbreviated military organization. Because of the special design and historical uniform significance, no emblem of belief or additional inscription may be inscribed. The dates of birth and death are inscribed below the shield.

Confederate War

A special style is also available to mark the graves of Confederate war dead. These special styles are available in upright marble or granite. To request this special style, select the appropriate box in block 11 for upright marble (U) or upright granite (V) and write the words “special style - confederate” in block 11.

Inscriptions for Confederate War

The inscription on the special style for Civil War Confederate is also limited. The Southern Cross of Honor is automatically inscribed at the top. The name is arched, followed by abbreviated military organization and dates of birth and death. No additional items can be inscribed. If a flat marker is desired for a Confederate soldier, the Southern Cross of Honor can be inscribed if requested, or any of the other approved emblems may be inscribed if requested.

For periods of war other than the Civil War or Spanish American War, traditional styles of headstones and markers can also be requested. Traditional styles include upright marble or granite headstones and flat bronze, granite, or marble markers.

Proof of military service prior to World War I requires detailed primary documentation, such as Compiled Military Service Records (CMSR), extracts from official State files, Federal pension documents or land warrants, to be considered for a Government-furnished headstone or marker. Copies of CMSRs and Federal pension records are available through National



Archives and Records Administration (NARA), Washington, D.C. If the applicant is unable to visit NARA, copies of these documents can be ordered via telephone, mail and Internet. CMSRs can be ordered from NARA by the applicant for a fee of \$25; the documentation usually ships in 60-90 days.

For more detailed information regarding markers and headstones for pre-World War I era, please visit www.cem.va.gov/cem/hmm/pre_WWI_era.asp or contact VA toll-free at 1-800-697-6947 or 615-736 2841, Ext. 104 between 8:00 a.m. and 5:00 p.m. Monday through Friday (ET). Telephone customer service representatives do not have access to information about other VA benefits. To inquire about other VA benefits, call 1-800-827-1000. Inscriptions for a veteran's spouse or dependent are provided at no expense when they are buried in a national, military post or a state veterans' cemetery.

Emblems of Belief: Headstones and markers also may be inscribed with an approved "emblem of belief" such as a cross or Star of David. A listing of the emblems that may be inscribed is on the back of the application form and online at www.cem.va.gov/cem/hmm/emblems.asp.

How to Order a Government Headstone or Marker: Headstone, Marker and Medallion Application Process The Code of Federal Regulations (CFR) 38.632 "Headstone and Marker Application Process" became effective on July 1, 2009. This regulation describes the processes required to apply for a Government headstone and marker, as well as request a new emblem of belief be added to the list of emblems available for inscription on headstones and markers.

Who Can Apply for a Headstone or Marker? Under 38 CFR 38.600(a) (1) only the following individuals may apply for a burial headstone or marker:

1. A decedent's family member;
2. A personal representative;
3. A representative of a Congressionally-chartered Veterans' Service Organization;



4. An employee of a state or local government whose official responsibilities include serving veterans;
5. Any individual who is responsible, under the laws of a state or locality, for the disposition of unclaimed remains or matters related to the decedent's interment or memorialization; or
6. Any individual, if the dates of service of the veteran ended prior to April 6, 1917.

Note: For a memorial headstones and markers that commemorate the memory of an eligible individual, the applicant must be a member of the decedent's family, 38 CFR 38.600(a)(2).

Burial in a Private Cemetery

For a Government-furnished burial or memorial headstone or marker to be placed in a private cemetery, a VA Form 40-1330, Claim for Standard Government Headstone or Marker, must be submitted by an individual as defined above. To expedite the processing of the claim, please submit the veteran's military discharge documents and death certificate. Do not send original documents, as they will not be returned.

Note: VA is not authorized to furnish a Government headstone or marker for dependents buried in a private cemetery

Ordering a Headstone or Marker in National, Post, or State Veterans' Cemetery

When burial or memorialization is in a national, post, or state veterans' cemetery, a headstone or marker will be ordered by the cemetery officials based on inscription information provided by the next of kin.

Usually, funeral directors will obtain headstones or markers as part of their services. Applications and additional information may be obtained at any VA national cemetery or regional office or by calling **1-800-827-1000**. This form, **VA Form 40-1330**, is also available on VA's website at www.va.gov/vaforms/va/pdf/VA40-1330M.pdf, however, it cannot be submitted electronically. Completed applications may be faxed toll-free to **1-800-455-7143** or mailed to:

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**Memorial Programs Service (41B)
Department of Veterans Affairs
5109 Russell Road
Quantico, VA 22134-3903**

Checking Your Headstone or Marker Order Status: To obtain the status of headstones or markers ordered for national or state cemeteries, please contact the cemetery directly.

To obtain the status of headstones or markers ordered for private cemeteries, please use the following instructions: If more than 30 days have passed since your claim was submitted to the VA in Washington, D.C. by you, or someone assisting you, please call our Applicant Assistance Unit to verify we are in receipt of your claim.

If more than 60 days have passed since submitting your claim and the grave is still not marked, you should contact the cemetery, funeral home, or other party responsible for accepting delivery of the headstone, marker or medallion to see if they have received it. If they have not received it, you may call our Applicant Assistance Unit between the hours of **8:00 a.m. and 5:00 p.m. (ET), Monday through Friday, at 1-800-697-6947**. You may also click on the “Contact Us” link to check the status of your order at www.cem.va.gov/cem/hmm/index.asp.

Note: The above telephone number is for questions related to headstones, markers and medallions only ordered for private cemeteries.

Shipping Government Headstones and Markers: Government-furnished headstones and markers are shipped free of charge to the cemetery or nearest local civilian monument business.

Setting Government Headstones and Markers: Cemetery staff in national, military post and military base cemeteries is responsible for setting the headstone or marker at no cost to the applicant. Some state veterans’ cemeteries may charge the applicant a nominal fee for setting a Government-furnished headstone or marker.



Arrangements for setting a Government-furnished headstone or marker in a private cemetery are the applicant's responsibility and all placement costs are at private expense. For further details, please visit: www.cem.va.gov/cem/hmm/index.asp.

Replacement of Headstones and Markers: Headstones and markers previously furnished by the Government may be replaced at Government expense if badly deteriorated, illegible, stolen or vandalized. We may also replace the new (or modern) headstone or marker if the inscription is incorrect, if it was damaged during shipping, or if the material or workmanship does not meet contract specifications. In cases where the primary-source documentation indicates that it is "more likely than not" that an existing inscription (e.g., name, date of birth, date of death, branch of service, etc.) on a historic headstone or marker (those greater than 50 years of age) is inaccurate, we will correct the inscription error and replace the marker "in kind," that is, with one that has the same type, style, and inscription elements that were used or available at the time of the decedent's death.

If a Government headstone or marker in a private cemetery is damaged by cemetery personnel, the cemetery should pay all replacement costs.

Marble and granite headstones or markers that are permanently removed from a grave must be destroyed, ensuring that the inscription is no longer legible. Bronze markers must be returned to the contractor.

For guidance on obtaining a replacement headstone or marker, you may call the Memorial Products Service Applicant Assistance Unit between the hours of 8:00 a.m. and 5:00 p.m. (ET), Monday through Friday, at the toll-free number below: 1-800-697-6947. For further details, please visit: www.cem.va.gov/cem/hmm/replacements.asp.

Presidential Memorial Certificates

A Presidential Memorial Certificate (PMC) is an engraved paper certificate, signed by the current President, to honor the memory of honorably discharged deceased veterans. Certificates are issued upon request to recognize the military service of honorably discharged



deceased veterans. Next of kin, other relatives and friends may request the certificate(s) by completing **Form 40-0247, Presidential Memorial Certificate Request**, and providing a copy (originals cannot be returned) of the deceased veteran's discharge document and death certificate. The form is available online at www.va.gov/vaforms/va/pdf/VA40-0247.pdf. Requests can be made in person at any VA regional office, by toll-free fax to **1-800-455-7143** or by mail to:

Presidential Memorial Certificates (41A1C)
Department of Veterans Affairs
5109 Russell Rd., Quantico, VA 22134-3903

If you do not receive your PMC request within (16) weeks, please call **1-202-565-4964** or email pmc@va.gov to find out the status of your request. Please do not send a second application unless requested to do so. A sample certificate and additional information can be found on the Internet at www.cem.va.gov/cem/pmc.asp.

Burial Flags

A United States flag is provided, at no cost, to drape the casket or accompany the urn of a deceased veteran who served honorably in the U.S. Armed Forces. It is furnished to honor the memory of a veteran's military service to his or her country. VA will furnish a burial flag for memorialization for each listed below unless dishonorably discharged:

- Veteran who served during wartime
- Veteran who died on active duty after May 27, 1941
- Veteran who served after January 31, 1955
- Peacetime veteran who was discharged or released before June 27, 1950
- Certain persons who served in the organized military forces of the Commonwealth of the Philippines while in service of the U.S. Armed Forces and who died on or after April 25, 1951
- Certain former members of the Selected Reserves



Generally, the flag is given to the next-of-kin, as a keepsake, after its use during the funeral service. When there is no next-of-kin, VA will furnish the flag to a friend making request for it. For those VA national cemeteries with an Avenue of Flags, families of veterans buried in these national cemeteries may donate the burial flags of their loved ones to be flown on patriotic holidays.

To apply, complete VA Form 21-2008, Application for United States Flag for Burial Purposes. Flag can be obtained at any VA regional office or U.S. Post Office. Generally, the funeral director will help you obtain the flag.

Burial in VA National Cemeteries

Persons eligible for burial in a VA National Cemetery: The National Cemetery Scheduling Office the primary responsibility for verifying eligibility for burial in VA national cemeteries. A determination of eligibility is usually made in response to a request for burial in a VA national cemetery. VA Regional Offices will also assist in determining eligibility for burial in a VA national cemetery. The toll-free number for the nearest VA Regional Office is 1-800-827-1000.

A. Veterans and Members of the Armed Forces (Army, Navy, Air Force, Marine Corps, Coast Guard)

- (1) Any member of the Armed Forces of the United States who dies on active duty.
- (2) Any veteran who was discharged under conditions other than dishonorable. With certain exceptions, service beginning after September 7, 1980, as an enlisted person, and service after October 16, 1981, as an officer, must be for a minimum of 24 continuous months or the full period for which the person was called to active duty (as in the case of a Reservist called to active duty for a limited duration). Undesirable, bad conduct, and any other type of discharge other than honorable may or may not qualify the individual for veterans' benefits, depending upon a determination made by a VA Regional Office. Cases presenting multiple discharges of varying character are also referred for adjudication to a VA Regional Office.



- (3) Any citizen of the United States who, during any war in which the United States has or may be engaged, served in the Armed Forces of any Government allied with the United States during that war, whose last active service was terminated honorably by death or otherwise, and who was a citizen of the United States at the time of entry into such service and at the time of death.
- (1) Members of Reserve Components and Reserve Officers' Training Corps Reservists and National Guard members who, at time of death, were entitled to retired pay under Chapter 1223, Title 10, United States Code, or would have been entitled, but for being under the age of 60. Specific categories of individuals eligible for retired pay are delineated in section 12731 of Chapter 1223, Title 10, United States Code.
- (2) Members of reserve components, and members of the Army National Guard or the Air National Guard, who die while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under honorable conditions while performing active duty for training or inactive duty training, or undergoing such hospitalization or treatment.
- (3) Members of the Reserve Officers' Training Corps of the Army, Navy, or Air Force who die under honorable conditions while attending an authorized training camp or on an authorized cruise, while performing authorized travel to or from that camp or cruise, or while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under honorable conditions while engaged in one of those activities.
- (4) Members of reserve components who, during a period of active duty for training, were disabled or died from a disease or injury incurred or aggravated in line of duty or, during a period of inactive duty training, were disabled or died from an injury or certain cardiovascular disorders incurred or aggravated in line of duty.
- (5) Members of reserve and Guard components who have met minimum active duty service requirements, as applicable by law, and who were discharged under conditions other than dishonorable are also eligible provided they were called to active duty and served the full term of service.



C. Commissioned Officers, National Oceanic and Atmospheric Administration

- (1) A Commissioned Officer of the National Oceanic and Atmospheric Administration (formerly titled the Coast and Geodetic Survey and the Environmental Science Services Administration) with full-time duty on or after July 29, 1945.
- (2) A Commissioned Officer who served before July 29, 1945; and,
 - (a) Was assigned to an area of immediate military hazard as determined by the Secretary of Defense while in time of war, or in a Presidentially declared national emergency; or,
 - (b) Served in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter.

D. Public Health Service

- (1) A Commissioned Officer of the Regular or Reserve Corps of the Public Health Service who served on full-time duty on or after July 29, 1945. If the service of the particular Public Health Service Officer falls within the meaning of active duty for training, as defined in section 101(22), Title 38, United States Code, he or she must have been disabled or died from a disease or injury incurred or aggravated in the line of duty.
- (2) A Commissioned Officer of the Regular or Reserve Corps of the Public Health Service who performed full-time duty prior to July 29, 1945:
 - (a) In time of war;
 - (b) On detail for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard; or
 - (c) While the Service was part of the military forces of the United States pursuant to Executive Order of the President.
- (3) A Commissioned Officer serving on inactive duty training as defined in Section 101(23), Title 38, United States Code, whose death resulted from an injury incurred or aggravated in the line of duty.

E. World War II Merchant Mariners

- (1) United States Merchant Mariners with oceangoing service during the period of armed conflict, December 7, 1941, to December 31,



1946. Prior to the enactment of Public Law 105-368, United States Merchant Mariners with oceangoing service during the period of armed conflict of December 7, 1941, to August 15, 1945, were eligible. With enactment of Public Law 105-368, the service period is extended to December 31, 1946, for those dying on or after November 11, 1998. A DD-214 documenting this service may be obtained by submitting an application to Commandant (G-MVP-6), United States Coast Guard, 2100 2nd Street, SW, Washington, DC 20593. Notwithstanding, the Mariner's death must have occurred on or after the enactment of Public Law 105-368.

- (2) United States Merchant Mariners who served on blockships in support of Operation Mulberry during World War II.

F. The Philippine Armed Forces

- (1) Any Philippine veteran who was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States at the time of their death; and resided in the United States at the time of their death; and,
 - (a) Was a person who served before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who died on or after November 1, 2000; or,
 - (b) Was a person who enlisted between October 6, 1945, and June 30, 1947, with the Armed Forces of the United States with the consent of the Philippine government, pursuant to section 14 of the Armed Forces Voluntary Recruitment Act of 1945, and who died on or after December 16, 2003.

G. Spouses and Dependents

- (1) The spouse, surviving spouse or dependent of an eligible Veteran or member of the Armed Forces may be eligible for interment in a national cemetery even if that veteran is not buried or memorialized in a national cemetery.



- (2) The surviving spouse of an eligible veteran who had a subsequent remarriage to a non-veteran and whose death occurred on or after January 1, 2000, is eligible for burial in a national cemetery, based on his or her marriage to the eligible veteran.
- (3) The minor children of an eligible veteran. For purpose of burial in a national cemetery, a minor child is a child who is unmarried and:
 - (a) Who is under 21 years of age; or,
 - (b) Who is under 23 years of age and pursuing a full-time course of instruction at an approved educational institution.
- (4) The unmarried adult child of an eligible veteran. For purpose of burial in a national cemetery, an unmarried adult child is: Of any age but became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a full-time course of instruction at an approved educational institution. Proper supporting documentation must be provided.

H. Parents

- (1) Biological or adoptive parents, who died after October 13, 2010, and whose biological or adoptive child was a service-member:
 - (a) whose death occurred on or after October 7, 2001, and
 - (b) whose death was the result of a hostile casualty or a training-related injury, and
 - (c) who is interred in a national cemetery, in a grave-site with available space for subsequent interment, and
 - (d) at the time of the parent's death, had no spouse, surviving spouse, or child who is buried, or who, upon death, may be eligible for burial in a national cemetery.
- (2) The term "hostile casualty" means a person who, as a member of the Armed Forces, dies as the direct result of hostile action with the enemy, while in combat, while going to or returning from a combat mission if the cause of death was directly related to hostile action, or while hospitalized or undergoing treatment at the expense of the United States for injury incurred during combat, and includes a person killed mistakenly or accidentally by friendly fire directed at a hostile force or what is thought to be a hostile force. The term "hostile casualty" does not include a person who dies due to the elements, a self-inflicted wound, combat fatigue, or a friendly force while the person was absent-without-leave, deserter, or dropped-



from-rolls status or was voluntarily absent from a place of duty.
(3) The term “training-related injury” means an injury incurred by a member of the Armed Forces while performing authorized training activities in preparation for a combat mission.

- i. Others: Such other persons or classes of persons as designated by the Secretary of Veterans Affairs (38 U.S.C. § 2402(6)) or the Secretary of Defense (Public Law 95-202, § 401, and 38 CFR § 3.7(x)).

Persons NOT eligible for burial in a VA National Cemetery:

- a. Former Spouses: A former spouse of an eligible individual whose marriage to that individual has been terminated by annulment or divorce, if not otherwise eligible.
- b. Other Family Members: Family members of an eligible person except those defined as eligible in Section III, paragraph g (Spouses and Dependents).
- c. Disqualifying Characters of Discharge: A person whose only separation from the Armed Forces was under dishonorable conditions or whose character of service results in a bar to veteran’s benefits.
- d. Discharge from Draft: A person who was ordered to report to an induction station, but was not actually inducted into military service.
- e. Persons Found Guilty of a Capital Crime: Under 38 U.S.C. § 2411, interment or memorialization in a VA national cemetery or in Arlington National Cemetery is prohibited if a person is convicted of a Federal or State capital crime, for which a sentence of imprisonment for life or the death penalty may be imposed and the conviction is final. Federal officials may not inter in veterans’ cemeteries persons who are shown by clear and convincing evidence to have committed a Federal or State capital crime but were unavailable for trial due to death or flight to avoid prosecution. Federally funded State veterans’ cemeteries must also adhere to this law. This prohibition is also extended to furnishing a Presidential Memorial Certificate, a burial flag, and a headstone or marker.
- f. Persons convicted of Certain Sex Offenses: Under 38 U.S.C. § 2411, interment or memorialization in a VA national cemetery or in Arlington National Cemetery is prohibited if a person is convicted of a Tier III sex offense, who was sentenced to a minimum of life



imprisonment and whose conviction is final. Federally funded State and Tribal Organization veterans' cemeteries must also adhere to this law. This prohibition also applies to Presidential Memorial Certificate, burial flag, and headstone and marker benefits.

- g. **Subversive Activities:** Any person convicted of subversive activities after September 1, 1959, shall have no right to burial in a national cemetery from and after the date of commission of such offense, based on periods of active military service commencing before the date of the commission of such offense, nor shall another person be entitled to burial on account of such an individual. Eligibility will be reinstated if the President of the United States grants a pardon.
- h. **Active or Inactive Duty for Training:** A person whose only service is active duty for training or inactive duty training in the National Guard or Reserve Component, unless the individual meets the eligibility criteria listed in Section III.1.b. of this information sheet.
- i. **Other Groups:** Members of groups whose service has been determined by the Secretary of the Air Force under the provisions of Public Law 95-202 as not warranting entitlement to benefits administered by the Secretary of Veterans Affairs.

Pre-Need Burial Determination: Grave-sites in VA national cemeteries cannot be reserved. However, VA implemented the pre-need burial eligibility determination program to assist anyone who would like to know if they are eligible for burial in a VA national cemetery.

Interested individuals may submit **VA Form 40-10007**, Application for Pre-Need Determination of Eligibility for Burial in a VA National Cemetery, along with a copy of supporting documentation of military service such as a **DD214**, if readily available, by: toll-free fax at **1-855-840-8299**; or mail to:

National Cemetery Scheduling Office
P.O. Box 510543
St. Louis, MO 63151

Further details regarding pre-need determination can be found online at the National Cemetery Administration website at www.cem.va.gov/pre-need.



Additional Information: Veterans and their families are encouraged to prepare in advance by discussing cemetery options and setting aside copies of any discharge documents. See “Important Documents to Safeguard” on page 27.

VA will provide—at no cost to the veteran’s family—a grave-site, headstone or marker, Presidential Memorial Certificate, U.S. flag, perpetual care of the grave site and will open and close the grave. The veteran’s family must pay for services and other related costs provided by funeral directors.

To establish eligibility for burial in a VA national cemetery, the family should provide: The same procedures should be followed to determine the eligibility of a veteran’s spouse or dependent. In most cases, one grave-site is provided for the burial of all eligible family members, marked by a single headstone or marker. When both spouses are veterans, two grave-sites and two headstones or markers may be provided, if requested.

Formal funeral services are not held at national cemeteries, but final committal services may be performed at the cemetery. For safety reasons, these services are held in committal shelters located away from the grave-site. Burial will take place following the committal service. Immediate family members may be allowed to view the actual burial only if arrangement has been made in advance with the cemetery director. National cemeteries do not usually conduct burials on weekends or federal holidays, However, weekend callers may schedule burials for the upcoming week. Floral arrangements may accompany the casket or urn and will be placed on the grave after burial.

National cemeteries in Texas are located at: Cemetery closed for new interments. San Antonio National Cemetery is open for cremations only. For information on these cemeteries, contact the National Cemetery on Fort Sam Houston at 210/ 820-3891.



Veterans' Cemeteries Administered by Other Agencies

Arlington National Cemetery: The Department of the Army administers Arlington National Cemetery. Eligibility for burial is more restrictive than at VA national cemeteries. For information, contact:

**Superintendent
Arlington National Cemetery
Arlington, VA 22211
(703) 607-8000
www.arlingtoncemetery.org**

Department of the Interior: The Department of the Interior administers two active national cemeteries: Andersonville National Cemetery in Georgia and Andrew Johnson National Cemetery in Tennessee. Eligibility for burial is similar to VA cemetery eligibility.

State Veterans' Cemeteries: Individual states operate cemeteries for veterans. Eligibility requirements may differ from those for national cemeteries. Contact the state cemetery or state veterans' affairs office for additional information. To locate a state veteran's cemetery, please visit www.cem.va.gov/cem/grants/veterans_cemeteries.asp. Information on the Texas State Cemetery Program follows.

Texas State Veterans' Cemetery Program

Currently the State of Texas has four veterans' cemeteries - in central Texas in Killeen, in south Texas in Mission, in west-central Texas in Abilene and Coastal Bend Area of Texas in Corpus Christi. They are managed by the Texas Veterans Land Board. Contact them at **(512) 463-5977** or **1-800-252-VETS (8387)** or visit their website at www.glo.texas.gov/vlb/cemeteries/index.html.

KILLEEN

The Central Texas State Veterans Cemetery opened January 3, 2006. The initial phase of development contains 31 acres with 7,620 grave-sites. The cemetery will be expanded as needed and will eventually be capable of providing a final resting place to more than 50,000 veterans and family members.

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Central Texas State Veterans Cemetery

11463 State Highway 195

Killeen, Texas 76542-4945

Office: 254/ 616-1770; Fax: 254/ 616-1769

Office Hours: 8:00 a.m. to 5:00 p.m., Monday - Friday

MISSION

The Rio Grande Valley State Veterans Cemetery opened December 1, 2006. The initial phase of development contains 31 acres, and 6,190 grave-sites. The cemetery will be expanded as needed and will eventually be capable of providing a final resting place for more than 25,000 veterans and family members.

To honor the deceased, you may purchase engraved memorial pavers which are placed in the assembly area of the Rio Grande Valley State Veterans Cemetery. Each paver costs \$100, with proceeds going toward operations of the cemetery. Please contact the cemetery staff to learn more.

Rio Grande Valley State Veterans Cemetery

2520 South Inspiration Rd

Mission, Texas 78572-9897

Office: 956/ 583-7227; Fax: 956/ 583-7887

Office Hours: 8:00 a.m. to 5:00 p.m., Monday - Friday

ABILENE

The Texas State Veterans Cemetery at Abilene opened June 1, 2009. The initial phase of development contains 31 acres, and 3,524 grave-sites. The cemetery will be expanded as needed and will eventually be capable of providing a final resting place for approximately 35,000 veterans and family members.

To honor the deceased, you may purchase engraved memorial pavers which are placed in the assembly area of the Texas State Veterans Cemetery at Abilene. Each paver costs \$150, with proceeds going toward operations of the cemetery. Please contact the cemetery staff to learn more.



Texas State Veterans Cemetery at Abilene
7457 West Lake Rd
Abilene, Texas 79601-8278
Office: 325/673-4446; Fax: 325/673-4448
Office Hours: 8:00 a.m. to 5:00 p.m., Monday - Friday

CORPUS CHRISTI

The initial phase of development contains 30 acres, and 4,800 grave-sites. The cemetery will be expanded as needed and will eventually be capable of providing a final resting place for more than 31,000 veterans and family members. The first interment took place on December 13, 2011.

The cemetery includes a covered, open-air structure for committal services; a visitor's center; a computer kiosk for locating specific graves; an assembly area for special occasions, such as Memorial Day observances; an avenue of flags; and a memorial walkway for future monuments

Coastal Bend State Veterans Cemetery

9974 IH 37 Access Rd
Corpus Christi, Texas 78410-1408
Office: 361/ 248-4830; Fax: 361/ 248-4965
Office Hours: 8:00 a.m. to 5:00 p.m., Monday - Friday

State of Texas Eligibility and Burial Benefits: The rules for eligibility for burial in the TSVC are the same as for national cemeteries. Overall eligibility for burial in a veterans' cemetery (national or state) is determined by a VA regulation based on a variety of qualifying criteria, many of which may apply to your periods of service on active duty or while in the Guard or Reserves. To ascertain your eligibility or for assistance in applying for VA burial benefits, contact the nearest TVC Claims Representative or your local Veterans County Service Officer. You may also contact the VLB toll-free at **1-800-252-VETS (8387)**. Further details and updates regarding the State Veterans' Cemetery Program, including Interment Application and Pre-registration forms, are available at www.glo.texas.gov/vlb/cemeteries/index.html.



Charges for Interment: Burial at a Texas State Veterans' Cemetery is a benefit earned by veterans, their spouses, and eligible dependents for their dedicated service to our country. There is no charge for the interment of veterans, their spouses and eligible dependents. The burial benefit includes military honors for veterans, the grave plot, the opening and closing of the grave, a concrete grave liner for casketed burials, a headstone or marker, presentation of the burial flag to the next of kin, a Presidential certificate, playing of Taps, a gun salute, and perpetual care of the grave. The funeral home will obtain a burial flag to accompany the veteran's casket or urn and will assist with requesting military honors.

The burial benefit for veterans, their spouses and eligible dependents does not cover funeral home charges such as the cost of a casket, cremation, viewing, flower cars, or transportation of the remains and family. However, if the veteran dies of a service connected cause of death, the family may be eligible for reimbursement from the VA for some of the funeral home costs up to \$2,000.

Students Sounding "TAPS" At Military Funerals

In 2007, the 80th Texas Legislature passed what is known as the "TAPS" for Tuition Program, with the Texas Veterans Commission as the administrator of the Program. The Program is designed to encourage students in grades 6 through 12, or at post-secondary educational institutions, to sound "Taps" on a bugle, trumpet or coronet as part of the military honors funerals held in Texas for deceased veterans. A student, in exchange for sounding "Taps" at a military funeral, are issued a voucher in the amount of \$25 to be exchanged for an exemption from the payment of tuition and required fees in that amount at a State of Texas public institution of higher education. Echo Taps is also included with both students receiving a voucher. Unfortunately, this program does not cover the ceremonial sounding of Taps, such as during Memorial Day celebrations. There is no limit to the number of vouchers a student can accumulate. These vouchers may be used by the student at any time for tuition and fees and are not transferable. It is important that the students and parents be informed that the voucher also serves as an excused absence from public schools in the State of Texas if the funeral is conducted during regular school hours. It's also important for them to know that it is the student's responsibility to maintain a record of vouchers earned through the Taps Tuition Voucher



Program. Here's how the program works: Students contact local licensed funeral home(s) to make arrangements to provide Taps during funerals honoring military veterans. The funeral director has the TVC TAPS "Taps Certification" form that will be completed and signed by both the student (or parent or legal guardian if student is under the age of 18) and the licensed funeral director following the sounding of Taps at a funeral honoring a military veteran. The form is submitted by the student, or the student's parent or guardian, to the address printed on the bottom of the form. The PDF form is available on the TVC website at www.tvc.texas.gov/documents/TVCTAPS_Form_Aug_2014.pdf. Visit TVC's website at www.tvc.texas.gov; email us at info@tvc.texas.gov or call us at (512) 463-6564.

Additional Information

There is a variety of important information that needs to be provided when applying for survivor/burial benefits. In addition, certain veterans may have various benefit plans or insurance coverage available to survivors.

Survivor Benefit Plan (SBP): If the veteran was a military retiree, the widow and/or children may be entitled to payments from the Survivor Benefit Plan. Survivors should contact the nearest Personnel Affairs Office of the service department of the veteran to determine if the veteran made necessary provision for SBP coverage.

Insurance & Additional Benefits: A TVC Claims Representative or a Veterans County Service Officer may offer assistance in supplying and completing forms for G.I. Insurance. If life insurance is carried with another commercial company, contact an agent of that company. In addition to insurance, TVC can assist in applying for other VA and State benefits to which the veteran's survivors may be entitled.

These include:

- Widow's or children's compensation
- Widow's or children's pension
- Parent's compensation
- Education benefits



- Medical benefits

Important Documents To Safeguard: Below is a list of important documents and other relevant information to have available when applying for VA survivor and/or burial benefits:

- Veteran's discharge certificate (DD Form 214)
- Veteran's VA claim number or Social Security Number
- Veteran's death certificate
- Veteran's Government Life Insurance Policy information
- Copy of all marriage certificates and divorce decrees (if any)
- Copy of each child's birth certificate or adoption papers

Provided inside the back cover of this booklet is a list of Texas Veterans Commission Claims Representation & Counseling District offices. For a complete list of TVC Claims offices and all Veterans County Service Officers, please see our TVC Directory on our website at www.tvc.texas.gov/documents/tvc_directory.pdf or call the Veterans' HOTLINE at 1-800-VETS (8387) for locations and contact numbers.



For assistance with burial benefits or any other veterans' benefits, please contact a TVC Claims Representative or a Veterans County Service Officer near you for assistance. Office location details for TVC and Veterans County Service Officer can be found on our website at www.tvc.texas.gov/documents/tvc_directory.pdf.

CLAIMS REPRESENTATION AND COUNSELING (CR&C)

The Texas Veterans Commission serves Veterans, their dependents and survivors, in all matters pertaining to Veterans' state and federal disability benefits and entitlements. It is the designated agency of the State of Texas to represent the State and its Veterans before the U.S. Department of Veterans Affairs (VA). The agency represents Veterans in filing VA disability claims and during VA appeals processes, and assists dependents with survivor benefits and entitlements. TVC is nationally recognized for its expertise in helping Veterans get the most benefits they are entitled to.

CR&C HEADQUARTERS

Victor Polanco, IV, Director
1700 N. Congress Ave., Ste 800;
PO Box 12277; Austin, Texas 78711-2277
Tel. 512/ 463-6564; (FAX) 512/ 463-0571

DISTRICT OFFICES

NORTHWEST DISTRICT

Northwest District Manager
VA Regional Office
701 Clay Ave.
Waco, TX 76799-0001
Tel. 254/ 299-9950
(FAX) 254/ 299-9910
Office Hours: 7:45 - 4:30

NORTHEAST DISTRICT

Northeast District Manager
Central Texas Veterans Health Care System
1901 Veterans Memorial Dr.
Bldg. 208, Rm 119
Temple, TX 76504-7451
Tel. 254/743-0549; (FAX) 254/743-1699
Office Hours: 7:45 - 4:30

SOUTHWEST DISTRICT

Southwest District Manager
Frank M. Tejeda VA Outpatient Clinic
5788 Eckhart Rd, Rm. 2A122
San Antonio, TX 78240-3900
210/ 699-5308 (Office)
210/303-4490 (Cell)
Office Hours: 7:30 - 4:00

SOUTHEAST DISTRICT

Southeast District Manager
VA Regional Office
6900 Alameda Rd
Houston, TX 77030-4200
Tel. 713/ 383-2756
(FAX) 713/ 383-2746
Office Hours: 7:30 - 4:00



The Texas Veterans Commission does not discriminate on the basis of race, color, national origin, sex religion, age or disability in employment or providing services.

Comments concerning Veterans' programs or delivery of service may be addressed to:

Texas Veterans Commission
P.O. Box 12277
Austin, Texas 78711-2277
(512) 463-6564